

### **Amendments to the Claims:**

The following listing of claims will replace all prior versions and listings of claims in the application:

### **Listing of the Claims:**

1. (Currently Amended) A method of auctioning data services in a network environment including a hardware exchange system including a supplier list having at least one supplier and a buyer list having at least one buyer, the method comprising:

receiving, by ~~[[in]]~~ the exchange system, a service request from a buyer for data services and incentive data from a supplier on the supplier list to supply the data services;

determining, ~~[[at]]~~ by the exchange system, a selected supplier from the supplier list based on the incentive data;

creating routing data ~~[[at]]~~ by the exchange system for the data services to be routed through the selected supplier;

routing, by the exchange system, the data services through the selected supplier using the routing data created ~~[[at]]~~ by the exchange system; ~~[[and]]~~

tracking, ~~[[at]]~~ by the exchange system, bandwidth utilization for the selected supplier on the supplier list ~~to ensure that the selected supplier does not provide further incentive data for data services beyond available bandwidth of the selected supplier; and~~

checking, by the exchange system, whether the received incentive data provided by the supplier on the supplier list in said step of receiving offers data services extending beyond the available bandwidth of the supplier on the supplier list by reviewing the received incentive data and the tracked bandwidth utilization, and, in determining the selected supplier, ensuring that the supplier on the supplier list does not oversell the available bandwidth,

whereby data services are provided in an incentive-driven environment, allowing flexibility in supplier relationships for the buyer and providing improved utilization and yield management opportunities for the selected supplier.

2. (Original) A method according to claim 1 wherein data services includes at least one of data transportation services and data application services.

3. (Original) A method according to claim 1 wherein the exchange system includes a moderator system.

4. (Original) A method according to claim 3 wherein the moderator system includes a moderator computing system.

5. (Original) A method according to claim 4 wherein the exchange system includes switches.

6. (Original) A method according to claim 1 wherein the exchange system includes a routing system to provide data transportation services for the buyer through the selected supplier.

7. (Original) A method according to claim 6 wherein the routing system is configured automatically by the exchange system.

8. (Original) A method according to claim 1 wherein creating includes automatically generating routing data.

9. (Original) A method according to claim 1 wherein the service request specifies a ceiling price for the data transportation services.

10. (Original) A method according to claim 9 wherein the buyer specifies whether the ceiling price is made available to the supplier.

11. (Canceled)
12. (Original) A method according to claim 1 wherein the routing data includes first and second endpoints.
13. (Original) A method according to claim 12 wherein the first and second endpoints include first and second ports respectively.
14. (Original) A method according to claim 1 wherein the routing data includes a trunk line specification.
15. (Original) A method according to claim 1 wherein the service request includes a specified closing time for the receipt of incentive data from the supplier.
16. (Original) A method according to claim 1 further comprising setting by the exchange system a closing time for receiving the incentive data.
17. (Original) A method according to claim 1 wherein determining includes determining by the buyer the selected supplier based on the incentive data.
18. (Original) A method according to claim 1 wherein determining includes determining by a moderating system in the exchange system the selected supplier.
19. (Original) A method according to claim 1 wherein incentive data includes at least one of economic incentive data, supplier information, and duration of the data transportation services.
20. (Original) A method according to claim 19 wherein the incentive data includes a time period for which the incentive data is valid.

21. (Original) A method according to claim 20 wherein the supplier information can be conditionally provided to the buyer.

22. (Currently Amended) A method according to claim 1 further comprising providing, [[at]] by the exchange system, information regarding the selected supplier to the supplier list.

23. (Currently Amended) A method according to claim 1 further comprising providing, [[at]] by the exchange system, all or a subset of the incentive data to all or a subset of the supplier list or buyer list.

24. (Currently Amended) A method according to claim 1 further comprising providing, [[at]] by the exchange system, a view of all or a subset of the service requests and incentive data for closed transactions to all or a subset of the supplier list or buyer list.

25. (Previously Presented) A method according to claim 24 wherein providing a view includes providing a view of all or a subset of the open service requests and open incentive data to all or a subset of the supplier list or buyer list.

26. (Original) A method according to claim 25 wherein open service requests and open incentive data includes partially unfulfilled service requests and incentive data.

27. (Currently Amended) A method according to claim 1 further comprising committing, [[at]] by the exchange system, the service request after a specified amount of time beyond which the buyer cannot revoke the service request thereby giving the seller a guaranteed sale to compete for.

28. (Currently Amended) A method according to claim 1 further comprising receiving, [[at]] by the exchange system, resell information as derivative routing data.

29. (Original) A method according to claim 1 wherein data services includes analog and digital information.

30. (Currently Amended) A method according to claim 1 further comprising defining a member profile by the buyer or supplier ~~[[in]]~~ by the exchange system by entering parameters that allow the buyer or supplier to define selection criteria; and wherein determining a selected supplier includes determining a selected supplier from the supplier list based on the incentive data and by applying the buyer's selection criteria against the supplier list and each supplier's selection criteria against the buyer.

31. (Original) A method according to claim 30 wherein defining a member profile includes entering parameters that allow the buyer or supplier to define selection criteria that includes at least one of supplier identifications, credit limits, and type of transmission line.

32. (Currently Amended) A method according to claim 30 further comprising providing, ~~[[at]]~~ by the exchange system, a limited view of the buyer list or seller list based on the member profile.

33. (Original) A method according to claim 30 wherein defining a member profile includes limiting the supplier list through which the selected supplier is determined.

34. (Currently Amended) A method according to claim 33 further comprising blocking, ~~[[at]]~~ by the exchange system, redefining the member profile to include buyers or sellers limited by the member profile for a protection interval in order to prevent use of the member profile to uncover identities of other companies.

35. (Previously Presented) A method according to claim 1 further comprising querying the exchange system by the at least one supplier or the at least one buyer to search for specific service request parameters or incentive data parameters; whereby the at least one buyer and the at least one supplier can facilitate the submission of service requests and incentive data.

36. (Original) A method according to claim 1 wherein the exchange system includes a billing system.

37. (Currently Amended) A method according to claim 1 further comprising notifying, [[at]] by the exchange system, the buyer list or supplier list of a new buyer or supplier.

38. (Canceled)

39. (Currently Amended) A method of auctioning data services in a network environment including a hardware exchange system including a supplier list having at least one supplier and a buyer list having at least one buyer, the method comprising:

receiving, by [[in]] the exchange system, a service request from a buyer for data services and incentive data from a supplier on the supplier list to supply the data services;

determining, [[at]] by the exchange system, a selected supplier from the supplier list based on the incentive data;

creating routing data [[at]] by the exchange system for the data services to be routed through the selected supplier, wherein the routing data specifies first and second ports or specifies a trunk line;

routing, by the exchange system, the data services through an automated routing system and the selected supplier using the routing data created [[at]] by the exchange system; whereby data services are provided in an incentive-driven environment, allowing flexibility in supplier relationships for the buyer and providing improved utilization and yield management opportunities for the selected supplier; [[and]]

tracking, [[at]] by the exchange system, bandwidth utilization for the selected supplier on the supplier list; ~~and to ensure that the selected supplier does not provide further incentive data for data services beyond available bandwidth of the selected supplier~~

checking, by the exchange system, whether the received incentive data provided by the supplier on the supplier list in said step of receiving offers data services extending beyond the available bandwidth of the supplier on the supplier list by reviewing the received incentive data and the tracked bandwidth

utilization, and, in determining the selected supplier, ensuring that the supplier on the supplier list does not oversell the available bandwidth.

40. (Original) A method according to claim 39 wherein data services includes at least one of data transportation services and data application services.

41. (Original) A method according to claim 39 wherein the exchange system includes a moderator system.

42. (Original) A method according to claim 41 wherein the moderator system includes a moderator computing system.

43. (Original) A method according to claim 42 wherein the exchange system includes switches.

44. (Original) A method according to claim 39 wherein creating includes automatically generating routing data.

45. (Original) A method according to claim 39 wherein the service request specifies a ceiling price for the data transportation services.

46. (Original) A method according to claim 45 wherein the buyer specifies whether the ceiling price is made available to the supplier.

47. (Original) A method according to claim 39 wherein the incentive data includes a decrement amount allowing the incentive data to change according to predetermined rules.

48. (Original) A method according to claim 39 wherein the routing data includes first and second endpoints.

49. - 51. (Canceled)

52. (Original) A method according to claim 39 further comprising setting by the exchange system a closing time for receiving the incentive data.

53. (Original) A method according to claim 39 wherein determining includes determining by the buyer the selected supplier based on the incentive data.

54. (Original) A method according to claim 39 wherein determining includes determining by a moderating system in the exchange system the selected supplier.

55. (Original) A method according to claim 39 wherein incentive data includes at least one of economic incentive data, supplier information, and duration of the data transportation services.

56. (Original) A method according to claim 55 wherein the incentive data includes a time period for which the incentive data is valid.

57. (Original) A method according to claim 56 wherein the supplier information can be conditionally provided to the buyer.

58. (Currently Amended) A method according to claim 39 further comprising providing, [[at]] by the exchange system, information regarding the selected supplier to the supplier list.

59. (Currently Amended) A method according to claim 39 further comprising providing, [[at]] by the exchange system, all or a subset of the incentive data to all or a subset of the supplier list or buyer list.

60. (Currently Amended) A method according to claim 39 further comprising providing, [[at]] by the exchange system, a view of all or a subset of the service requests and incentive data for closed transactions to all or a subset of the supplier list or buyer list.



61. (Previously Presented) A method according to claim 60 wherein providing a view includes providing a view of all or a subset of the open service requests and open incentive data to all or a subset of the supplier list or buyer list.

62. (Original) A method according to claim 61 wherein open service requests and open incentive data includes partially unfulfilled service requests and incentive data.

63. (Currently Amended) A method according to claim 39 further comprising committing, [[at]] by the exchange system, the service request after a specified amount of time beyond which the buyer cannot revoke the service request thereby giving the seller a guaranteed sale to compete for.

64. (Currently Amended) A method according to claim 39 further comprising receiving, [[at]] by the exchange system, resell information as derivative routing data.

65. (Original) A method according to claim 39 wherein data services includes analog and digital information.

66. (Currently Amended) A method according to claim 39 further comprising defining a member profile by the buyer or supplier [[in]] by the exchange system by entering parameters that allow the buyer or supplier to define selection criteria, and wherein determining a selected supplier includes determining a selected supplier from the supplier list based on the incentive data and by applying the buyer's selection criteria against the supplier list and each supplier's selection criteria against the buyer.

67. (Original) A method according to claim 66 wherein defining a member profile includes entering parameters that allow the buyer or supplier to define selection criteria that includes at least one of supplier identifications, credit limits, and type of transmission line.

68. (Currently Amended) A method according to claim 66 further comprising providing, [[at]] by the exchange system, a limited view of the buyer list or seller list based on the member profile.

69. (Original) A method according to claim 66 wherein defining a member profile includes limiting the supplier list through which the selected supplier is determined.

70. (Currently Amended) A method according to claim 69 further comprising blocking, [[at]] by the exchange system, redefining the member profile to include buyers or sellers limited by the member profile for a protection interval in order to prevent use of the member profile to uncover identities of other companies.

71. (Previously Presented) A method according to claim 39 further comprising querying the exchange system by the at least one supplier or the at least one buyer to search for specific service request parameters or incentive data parameters, whereby the at least one buyer and the at least one supplier can facilitate the submission of service requests and incentive data.

72. (Original) A method according to claim 39 wherein the exchange system includes a billing system.

73. (Currently Amended) A method according to claim 39 further comprising notifying, [[at]] by the exchange system, the buyer list or supplier list of a new buyer or supplier.

74. (Canceled)

75. (Currently Amended) A method of auctioning data services in a network environment including a hardware exchange system including a supplier list having at least one supplier and a buyer list having at least one buyer, the method comprising:

receiving, by [[in]] the exchange system, a service request from a buyer for data services and incentive data from a supplier on the supplier list to supply

the data services, the service request including a specified closing time for receipt of incentive data from the supplier;

after the close time, determining, by [[at]] the exchange system, a selected supplier from the supplier list based on the incentive data;

creating routing data [[at]] by the exchange system for the data services to be routed through the selected supplier;

routing, by the exchange system, the data services through an automated routing system and the selected supplier using the routing data created [[at]] by the exchange system; [[and]]

tracking, [[at]] by the exchange system, bandwidth utilization for the selected supplier on the supplier list ~~to ensure that the selected supplier does not provide further incentive data for data services beyond an allocated bandwidth of the selected supplier; and~~

checking, by the exchange system, whether the received incentive data provided by the supplier on the supplier list in said step of receiving offers data services extending beyond the available bandwidth of the supplier on the supplier list by reviewing the received incentive data and the tracked bandwidth utilization, and, in determining the selected supplier, ensuring that the supplier on the supplier list does not oversell the available bandwidth,

whereby data services are provided in an incentive-driven environment, allowing flexibility in supplier relationships for the buyer and providing improved utilization and yield management opportunities for the selected supplier.

76. (Original) A method according to claim 75 wherein data services includes at least one of data transportation services and data application services.

77. (Original) A method according to claim 75 wherein the exchange system includes a moderator system.

78. (Original) A method according to claim 77 wherein the moderator system includes a moderator computing system.

79. (Original) A method according to claim 75 wherein the exchange system includes switches.

80. (Original) A method according to claim 75 wherein creating includes automatically generating routing data.

81. (Original) A method according to claim 75 wherein the service request specifies a ceiling price for the data transportation services.

82. (Original) A method according to claim 81 wherein the buyer specifies whether the ceiling price is made available to the supplier.

83. (Original) A method according to claim 75 wherein the incentive data includes a decrement amount allowing the incentive data to change according to predetermined rules.

84. (Original) A method according to claim 75 wherein the routing data includes first and second endpoints.

85. (Original) A method according to claim 84 wherein the first and second endpoints include first and second ports respectively.

86. (Original) A method according to claim 75 wherein the routing data includes a trunk line specification.

87. (Original) A method according to claim 75 wherein determining includes determining by the buyer the selected supplier based on the incentive data.

88. (Original) A method according to claim 75 wherein determining includes determining by a moderating system in the exchange system the selected supplier.

89. (Original) A method according to claim 75 wherein incentive data includes at least one of economic incentive data, supplier information, and duration of the data transportation services.

90. (Original) A method according to claim 89 wherein the incentive data includes a time period for which the incentive data is valid.

91. (Original) A method according to claim 90 wherein the supplier information can be conditionally provided to the buyer.

92. (Currently Amended) A method according to claim 75 further comprising providing, [[at]] by the exchange system, information regarding the selected supplier to the supplier list.

93. (Currently Amended) A method according to claim 75 further comprising providing, [[at]] by the exchange system, all or a subset of the incentive data to all or a subset of the supplier list or buyer list.

94. (Currently Amended) A method according to claim 75 further comprising providing, [[at]] by the exchange system, a view of all or a subset of the service requests and incentive data for closed transactions to all or a subset of the supplier list or buyer list.

95. (Previously Presented) A method according to claim 94 wherein providing a view includes providing a view of all or a subset of the open service requests and open incentive data to all or a subset of the supplier list or buyer list.

96. (Original) A method according to claim 95 wherein open service requests and open incentive data includes partially unfulfilled service requests and incentive data.

97. (Currently Amended) A method according to claim 75 further comprising committing, [[at]] by the exchange system, the service request after a specified amount of time beyond which the buyer cannot revoke the service request.

98. (Currently Amended) A method according to claim 75 further comprising receiving, ~~[[at]]~~ by the exchange system, resell information as derivative routing data.

99. (Original) A method according to claim 75 wherein data includes analog and digital information.

100. (Currently Amended) A method according to claim 75 further comprising defining a member profile by the buyer or supplier ~~[[in]]~~ by the exchange system by entering parameters that allow the buyer or supplier to define selection criteria; and wherein determining a selected supplier includes determining a selected supplier from the supplier list based on the incentive data and by applying the selection criteria against the supplier list.

101. (Original) A method according to claim 100 wherein defining a member profile includes entering parameters that allow the buyer or supplier to define selection criteria that includes at least one of supplier identifications, dollar amounts, credit limits, and type of transmission line.

102. (Currently Amended) A method according to claim 100 further comprising providing, ~~[[at]]~~ by the exchange system, a limited view of the buyer list or seller list based on the member profile.

103. (Original) A method according to claim 100 wherein defining a member profile includes limiting the supplier list through which the selected supplier is determined.

104. (Currently Amended) A method according to claim 103 further comprising blocking, ~~[[at]]~~ by the exchange system, redefining the member profile to include buyers or sellers limited by the member profile for a protection interval.

105. (Previously Presented) A method according to claim 75 further comprising querying the exchange system by the at least one supplier or the at least one buyer to search for specific

service request parameters or incentive data parameters; whereby the at least one buyer and the at least one supplier can facilitate the submission of service requests and incentive data.

106. (Original) A method according to claim 75 wherein the exchange system includes a billing system.

107. (Currently Amended) A method according to claim 75 further comprising notifying, ~~[[at]]~~ by the exchange system, the buyer list or supplier list of a new buyer or supplier.

108. (Canceled)